

### **REMARKS**

Applicant thanks the Examiner for the careful consideration given to this application and for the very helpful interview of May 14, 2010. Reconsideration is now respectfully requested in view of the amendment above and the following remarks.

Claims 1-62 are pending in this application. Claims 1, 10, 19, 31, 40, 41, 47, 51, 55, 56, 57, 61 and 62 are independent claims. Claims 10-30, 41-50, 56, and 62 were previously withdrawn; see discussion below. Claims 1, 31, 40, 55, and 61 are amended; it is respectfully submitted that the amendments are all supported by Applicant's original specification and that no new matter has been added. Reconsideration and allowance of the present application are respectfully requested.

### **Summary of Interview of May 14, 2010**

As noted above, an interview was conducted on May 14, 2010, for which Applicant expresses gratitude. This was a telephone interview conducted between Primary Examiner Sam Bhattacharya and the undersigned. The purpose of the interview was to discuss the use of the Henry et al. reference (see below) in rejecting the claims. Applicant expressed that Henry et al. does not disclose all aspects of the claimed subject matter. Examiner Bhattacharya indicated that he understood the points Applicant was making and would reconsider the rejections upon submission of written arguments.

### **Allowable Subject Matter**

Applicants note with appreciation the Examiner's indication that claims 2-9, 32-39 and 52-54 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Discussion of Restriction/Elected Claims**

Upon review of the prosecution history of this application, Applicants have discovered an error relating to the previous restrictions, which error has been carried through to the present time.

To recap the history and status of the claims, in a first Restriction Requirement, issued on May 21, 2008, the claims were divided into two groups: Group I, consisting of Claims 1-18, 31-46, and 51-62; and Group II, consisting of Claims 19-30 and 47-50. Applicant responded on June 23, 2008 by electing Group I, with traverse. A further Restriction Requirement was then issued on October 16, 2008, to sub-divide previous Group I into the following two groups (which, in order to distinguish them from the original Restriction Requirement groups, will be called “Group I-I” and “Group I-II”): Group I-I, consisting of Claims 1-9, 31-40, 51-55, and 57-61; and Group I-II, consisting of Claims 10-18, 41-46, 56, and 62. On November 17, 2008, Applicant responded by electing Group I-I, again with traverse. However, in that election, Applicant inadvertently mistyped the listing of the claims associated with Group I-I. Instead of typing, “Claims 1-9, 31-40, 51-55, and 57-61,” Applicant erroneously typed “Claims 1-9, 31-40, 51-55, and 62.” This error was not caught by either Applicant or by the Examiner until now. Applicant respectfully requests correction of the status of the claims, namely, to indicate that Claims 1-9, 31-40, 51-55, and 57-61 are the pending claims and that Claim 62 is withdrawn, as reflected by the above Listing of the Claims.

#### **Claim Rejections under 35 U.S.C. § 102**

Claims 1, 31, 40, 51, 55 and 62 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,134,005 to Henry et al. (hereinafter “Henry et al.”). As noted above, Claims 57-61 should have been treated, and Claim 62 should have been withdrawn. Notwithstanding this, these rejections are respectfully traversed for at least the following reasons.

The following discussion uses Claim 1 as an example; however, the arguments are applicable to the other independent claims (31, 40, 51, 55, 57, and 61), which, although of varying scopes, contain at least some similar features.

Claim 1 recites:

A latency compensation circuit for use in a first wireless access point operating in accordance with a communications protocol comprising:

a first acquisition circuit configured to identify receipt of a first data packet from a second wireless access point; and

a speculative response circuit configured to issue a speculative response to said first data packet to said second wireless access point,

wherein said first wireless access point is configured to transmit said speculative response before said first wireless access point has completed a packet decoding operation on said first data packet.

The Office Action, at page 2, cites Henry et al. at col. 8, line 56 to col. 9, line 3 and at col. 32, lines 14-28 as disclosing all of the subject matter of the independent claims listed.

At col. 8, line 56 to col. 9, line 3, Henry et al. states:

In another aspect, it is a feature of the present invention to provide a method in a microprocessor for recovering from an erroneous branch to a speculative target address of a presumed branch instruction. The method includes providing a speculative target address in response to an instruction cache fetch address, producing an instruction cache line in response to the instruction cache fetch address, and decoding an instruction from the instruction cache line subsequent to the providing the speculative target address. The decoding is performed for a first time by the microprocessor for the instruction. The method also includes branching to the speculative target address prior to the decoding, and branching to a correct target address of the instruction subsequent to the branching to the speculative target address in response to the decoding.

Henry et al. at col. 8, line 56 to col. 9, line 3. At col. 32, lines 14-28, Henry et al. states:

Referring now to FIG. 14, a flowchart illustrating operation of the branch prediction apparatus 400 of FIG. 4 to selectively override speculative branch predictions with non-speculative branch predictions thereby improving the branch prediction accuracy of the present invention is shown. After an instruction is received from the instruction buffer 342, the instruction decode logic 436 of FIG. 4 decodes the instruction and the non-speculative target address calculator 416, non-speculative call/return stack 414, and non-speculative branch direction predictor 412 of FIG. 4 generate non-speculative branch predictions in response to the instruction decode information 492 of FIG. 4, in step 1402. The instruction

decode logic 436 generates a type of the instruction provided in the instruction decode information 492, in step 1402.

Henry et al. at col. 32, lines 14-28. Applicants respectfully submit that there are numerous differences between what is found in Claim 1 and what is disclosed in Henry et al.

As an initial observation, it is apparent that Henry et al. is not directed to a “latency compensation circuit.” There is no discussion of such a circuit in the cited sections of Henry et al. or anywhere else in Henry et al.

Furthermore, as discussed, e.g., at col. 1, lines 35-37, Henry et al. is directed to “the field of branch prediction in microprocessors, and more particularly to branch target address caching.” Henry et al. at col. 1, lines 35-37. This is an altogether different field of endeavor from the claimed subject matter. It addresses an altogether different problem in an altogether different way.

Now, addressing the specific elements in the body of Claim 1 (and again, the other rejected independent claims, although of different scopes, contain one or more similar features), Claim 1 includes, “a first acquisition circuit configured to identify receipt of a first data packet from a second wireless access point.” Applicant has found no disclosure, in either the cited passages or anywhere else in Henry et al., of any such circuit or of “identify[ing] receipt of a first data packet.”

Moving to the next element of Claim 1, Claim 1 further includes, “a speculative response circuit configured to issue a speculative response to said first data packet to said second wireless access point.” Again, Applicant has found no disclosure, in either the cited passages or anywhere else in Henry et al., of any such circuit or of “issu[ing] a speculative response to said first data packet.” Again, Henry et al. does not address acting upon any received data packets; rather, Henry et al. addresses branch prediction in microprocessors.

Finally, Claim 1 recites, “wherein said first wireless access point is configured to transmit said speculative response before said first wireless access point has completed a packet decoding operation on said first data packet.” Similarly to the other elements above, nowhere in Henry et

al. has Applicant found any references to a “first wireless access point,” “transmit[ting] said speculative response,” or “a packet decoding operation on [a] data packet.”

For at least these reasons, Applicant respectfully submits that Henry et al. does not anticipate Claim 1 or any other claim of this application.

Therefore, Applicant respectfully requests that this rejection under 35 U.S.C. § 102 be withdrawn.

**Disclaimer**

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

**CONCLUSION**

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-00275-US3 from which the undersigned is authorized to draw.

Dated: June 15, 2010

Respectfully submitted,

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